

REMARKS

The Office Action of November 9, 2004 has been received and considered. In the Office Action, claims 1-5 and 8-18 were rejected under either 35 U.S.C. §102(e) or 35 U.S.C. §103(a). Claims 6 and 7 were withdrawn from consideration.

Claims 1, 14 and 17 have been amended. Claim 19 has been added. Claims 1-5 and 8-19 are pending. Reconsideration of the application is requested.

Objections to claims 1, 14 and 17 were set forth in the outstanding Office Action. These claims have been amended as suggested in the Office Action. Withdrawal of the objections is requested.

An aspect of the present invention relates to a toothbrush having a head including a base, a first movable section for carrying bristles or other cleaning elements, and a second movable section for carrying bristles or other cleaning elements. As shown in the figures of the application, a first end of the second movable section includes a hinge that connects it to the base of the toothbrush. Conversely, the second end of the second movable section is free of a connection to the base of the toothbrush so that the second end can move relative to the base and the first movable section while the toothbrush is being used.

Claims 1-5, 8-13 and 15-17 were rejected under 35 U.S.C. §102(e) as being anticipated by published U.S. Patent Application No. 2003/0196283 to Eliav et al. The application to Eliav discloses a powered toothbrush having a head containing a rotating or oscillating first bristle carrier and a second bristle carrier movably connected to a base of the head. A web (400) has been relied upon in the Office Action to teach a hinge that connects the second bristle carrier to the base of the head so that the second bristle holder is movable relative to the base of the head. As illustrated in the figures of the application to Eliav, the web (400) extends along substantially

the entire length of the second bristle holder. However, the ends of the web (400) are spaced inwardly from the ends of the second bristle carrier.

Claim 1 has been amended to recite that (1) the second section is hingedly connected to the head at a first end that is opposite the first section and (2) the second section is otherwise free of a connection with a remainder of the head. As discussed above, the patent application to Eliav teaches that the first end of the web (400) is secured to the head in the same manner as the second end of the head. As a result, the patent application to Eliav cannot disclose that the web (400) is hingedly connected at its first end and free of a connection at its second end, as recited in the pending claims. Accordingly, the patent application to Eliav does not teach each and every element recited in the pending claims and does not anticipate claim 1. Withdrawal of the rejection is requested.

Claim 19 recites a toothbrush having a head including a base, a first movable section and a second movable section. Claim 19 also recites that the second movable section has (1) a first end with a flexible support hinge that connects the second movable member to the base and (2) a second end free of a connection to the base. As discussed above, the web (400) of Eliav is connected to the head in the same manner at both ends. Accordingly, the patent application to Eliav does not disclose that the second movable section has a first end connected to the head by a hinge and a second end that is free of a connection to the head. Therefore, the patent application to Eliav does not anticipate claim 19.

Claims 14 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over published U.S. Patent Application No. 2003/0196283 to Eliav et al. In the Office Action, it is asserted that it would have been obvious to provide the bristles of Eliav with different heights and different flexions. However, these modifications do not teach what the patent to Eliav lacks

with respect to claims 1 and 19. These modifications do not teach or provide motivation for modifying the toothbrush of the patent application of Eliav to provide the second bristle carrier with a first end connected to the head by a hinge and a second end that is free of a connection to the head. Accordingly, the suggested modification would not have been obvious because the resulting combination does not arrive at the toothbrush recited in the pending claims.

Withdrawal of the rejection is requested.

In view of the above discussion, Applicants submit that the pending claims are allowable over the prior art. A notice to this effect is requested.

Please charge any fees or credit any overpayments to Deposit Account No. 19-0733.

Respectfully submitted,

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Dated: 5/5/05

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